

From: Ferris, David (DEP) <david.ferris@state.ma.us>
Sent: Wednesday, June 17, 2015 3:07 PM
To: Webster, David; Houlihan, Damien
Subject: FW: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Dave/Damien do either of you have a problem with my response to Mr. Rothstein

From: Ferris, David (DEP)
Sent: Wednesday, June 17, 2015 1:45 PM
To: Fine, Douglas (DEP)
Cc: Card, Bethany (DEP)
Subject: RE: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Dear Richard,

As you know Pilgrim's expired NPDES permit issued in 1991 along with a modification in 1994 remains administratively continued and in effect until a new permit has been issued. USEPA Region I continues to actively worked on a draft permit. EPA's current estimated time frame for a draft for public comments at this time is in the Fall of 2015.

From: Fine, Douglas (DEP)
Sent: Wednesday, June 17, 2015 1:25 PM
To: Ferris, David (DEP)
Cc: Card, Bethany (DEP)
Subject: FW: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Hi Dave.

As requested by Beth below, can you draft a response? (I assume Beth wants us to draft a response for her to send.) Pls cc me when you send your draft down to Beth.

As EPA said today, their goal is still to public notice a draft permit in Sept 2015, however do you want to check in with EPA before DEP responds in writing providing EPA's timeframe as well as anything else you or EPA thinks should be in our response? And, do you think we should cc. EPA on the response and perhaps even provide EPA's POC to Mr. Rothstein (with EPA's approval)?

Thx.

DF

Douglas Fine
Assistant Commissioner for Water Resources
Mass Department of Environmental Protection
617/292-5792
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From: Card, Bethany (DEP)
Sent: Wednesday, June 17, 2015 11:39 AM
To: Fine, Douglas (DEP)
Subject: FW: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Doug - did I forward this to you already? If not, can you please work on a response with Ferris? We should check in with EPA on the status.

From: Richard Rothstein [rrothstein32@comcast.net]
Sent: Monday, June 08, 2015 10:47 PM
To: Card, Bethany (DEP)
Subject: Fw: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Hi Beth - You may recall that I contacted you in 2014 regarding the status of the Mirant Canal and Pilgrim Nuclear Power Station NPDES permit renewal. I included below your response to my inquiry. I have also forwarded an email received today regarding the subject report prepared by Cape Cod Bay Watch / Jones River Watershed Association regarding the Pilgrim NPDES permit renewal issue. For your convenience, I also included below the report's executive summary.

Can you please update me regarding the status of Pilgrim's NPDES permit renewal from EPA Region I / MADEP so I can advise my Plymouth town officials of the latest regulatory facts and developments in that regard.

Thank you.

- Rich

Richard A. Rothstein, CCM, QEP (retired/emeritus)
Chairman, Town of Plymouth Nuclear Matters Committee

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----- Original Message -----

From: Card, Bethany (DEP)
To: Richard Rothstein
Cc: Kimmell, Ken (DEP)
Sent: Wednesday, February 19, 2014 2:52 PM
Subject: RE: Mirant Canal Station Final NPDES Permit | NPDES Permits in New England | EPA NE

Dear Richard,

On your understanding of the drinking water contamination issue, your thinking is consistent with that of DEP. There are no ground water wells that provide public drinking water supply in the vicinity of the plant.

With regards to the status of the NPDES permit for the Mirant Canal Station -- EPA and the MassDEP last reissued (we jointly issue NPDES permits) the Mirant Canal Station federal and state permit number MA0004928 on June 23, 1989. This permit was scheduled to expire on June 23, 1994, but it has been administratively continued in effect pending reissuance of a new permit. A new permit was drafted in 2008 but was never finalized. EPA Region 1 is typically the lead agency on these permits. We did check with them and it does not appear that finalization of that permit is on the schedule in the near future. Therefore the permit that was issued in 1989 remains in effect.

It is a similar circumstance with Pilgrim's NPDES permit, which was issued in 1991 and had slight modifications in 1994. That permit also been administratively continued so the 1991 permit remains in effect. However, the Pilgrim NPDES permit is

actively being worked on by EPA Region 1 and MassDEP. EPA Region 1 has estimated that a draft may be issued for public comment in the Fall of 2014.

Please don't hesitate to contact me if I can provide any additional information.

Sincerely,

Beth

Bethany A. Card

Assistant Commissioner

Bureau of Resource Protection, MassDEP

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Executive Summary

This is a call to state and federal regulators to terminate Entergy's Clean Water Act "National Pollutant Discharge Elimination System" (NPDES) permit for Pilgrim Nuclear Power Station in Plymouth, Massachusetts. Entergy's NPDES permit expired in 1996, over 19 years ago. Under the guise of the NPDES permit, Pilgrim's outdated "once-through" cooling water intake structure (CWIS) has been destroying marine resources in Cape Cod Bay and polluting our water since 1972. Cape Cod Bay and its natural resources belong to the public. The Bay is not Entergy's private dump, nor its to destroy.

Entergy's CWIS harms Cape Cod Bay in many ways including:

- Killing tens of millions of fish and billions of planktonic organisms every year.¹
- Dumping roughly 500 million gallons of hot water mixed with pollutants into the Bay each day, which disrupts and destroys ecosystem processes.
- Most of the energy produced is wasted: only 34% of the thermal energy produced by using Cape Cod Bay's water is converted to electricity – the remaining 66% of the energy produced is discharged into the Bay in the form of hot water.²

Numerous state and federal laws such as the Clean Water Act, the Magnuson-Stevens Fisheries Conservation Act, the Endangered Species Act, and the Coastal Zone Management Act require Entergy to eliminate or at least mitigate Pilgrim's impacts on the Bay. These laws are not being enforced. The Massachusetts Department of Environmental Protection (MassDEP) and the U.S. Environmental Protection Agency (EPA) are unable or unwilling to update Entergy's NPDES permit or even attempt to prevent, or mitigate, Pilgrim's environmental destruction. The most obvious example is the gradual eradication of the once prevalent, benthic, Irish moss. Moreover, it is unlikely that the cumulative impacts of Pilgrim's 43 years of marine destruction and pollution will be studied, even if the NPDES permit is ever renewed. For years, calls from the public for prompt action have been left unanswered.

Given the failure to act by EPA and MassDEP and the massive scale of Entergy's environmental destruction and pollution, termination of Entergy's NPDES permit is the only option. Entergy's operation of the CWIS under the expired permit should be suspended until the public is guaranteed that no further environmental destruction will occur. This means that Pilgrim should stop operating until a current, valid, and updated NPDES permit is in place.

----- Original Message -----

From: Janet

To: Christine Legere ; Vinny deMacedo ; Lance Lambros SEN ; Tim Madden ; David Vieira ; Elise CP-Cape Cod
Kenneth Tavares ; rich rothstein ; Dan Wolf ; Seth Rolbein ; Sarah Peake

Sent: Monday, June 08, 2015 12:56 PM

Subject: Fw: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Thought you might find this interesting. janet azarovitz

From: Karen Vale

Sent: Monday, June 08, 2015 12:06 PM

To: Pilgrim Coalition

Subject: [Pilgrim Coalition] Pilgrim Water Pollution Report Released

Today, in recognition of World Oceans Day, we released a report entitled *Entergy, Our Bay is Not Your Dump: A Call to EPA and MassDEP to Terminate Entergy's Clean Water Act Permit for Pilgrim Nuclear and end the Destruction and Pollution of Cape Cod Bay*, which details Pilgrim's impacts to Cape Cod Bay under a 19-year expired Clean Water Act permit. 24 groups (listed below) have endorsed a call to EPA/MassDEP to TERMINATE the outdated permit.

All documents went live on the website today. Here's the link: <http://www.capecodbaywatch.org/2015-water-pollution-report/>

I have also attached the press release that we sent out earlier today as well (also pasted the text below).

PRESS RELEASE
FOR IMMEDIATE RELEASE
June 8, 2015

**Report Released Documenting Marine Destruction and Pollution of Cape Cod Bay by
Entergy's Pilgrim Nuclear:
*Regulators should terminate Pilgrim's Clean Water Act permit***

Contacts: Meg Sheehan, Cape Cod Bay Watch, meg@ecolaw.biz, cell 508-259-9151; Ed Dewitt, Executive Director, Association to Preserve Cape Cod, edewitt@apcc.org, 508-362-4226

A scathing new report entitled *Entergy, Our Bay is Not Your Dump: A Call to EPA and MassDEP to Terminate Entergy's Clean Water Act Permit for Pilgrim Nuclear and end the Destruction and Pollution of Cape Cod Bay* was released today by Cape Cod Bay Watch, in recognition of World Oceans Day.

The report documents how Entergy Corporation, owner of the Pilgrim Nuclear Power Station in Plymouth, destroys marine life and pollutes Cape Cod Bay by using an outdated "once-through" cooling water system to run Pilgrim.

Each day, Entergy takes up to 510 million gallons of seawater from Cape Cod Bay for its operations and draws in fish, plankton, and other marine life. Tens of millions of fish and billions of planktonic organisms are killed with the system each year. The heated and polluted water is dumped back into the Bay under what the report calls the "guise" of a Clean Water Act permit that expired 19 years ago.

As outlined in the report, 24 groups are calling on regulators at the U.S. Environmental Protection Agency and Massachusetts Department of Environmental Protection to terminate the permit, which would require Entergy to cease operations until it gets an updated permit.

According to Dr. Jo Ann Muramoto, Senior Scientist at the Association to Preserve Cape Cod, one of the groups endorsing the report, "Pilgrim's seawater intake system has been impacting fisheries in western Cape Cod Bay

for years. The discharge of heated seawater back into the Bay is likely causing further stress to local marine ecosystems that are also dealing with ocean warming due to climate change. Our fisheries are in trouble due to a number of causes. Renewing Pilgrim's discharge permit would signal that regulatory agencies don't recognize these problems. It's time to rethink the discharge permit and eliminate these impacts."

The report draws on information from government agencies and Entergy itself showing the destruction of marine life and pollution of the Bay since 1972 when Pilgrim starting operating. It describes how regulators have failed to enforce the laws requiring improvements in technology and how use of Pilgrim's destructive cooling system for 42 years has had major impacts on the Bay's ecosystem.

"Nothing at Pilgrim makes less sense than the fisheries Cuisinart the EPA allows Entergy to operate. Taxpayers spend a billion dollars a year on fisheries management and protection. We might as well shred the money in the Pilgrim cooling system along with all the fish being killed," said Ed DeWitt, Executive Director at the Association to Preserve Cape Cod.

Meg Sheehan, volunteer with Cape Cod Bay Watch added, "Cape Cod Bay is not Entergy's private dump for its cooling water. Pilgrim has been using seawater for cooling for free for 42 years, and the public pays the price in pollution and decimated fisheries and ecosystem health. Destroying our Bay for Entergy's short-term profits makes little economic or environmental sense."

The call to terminate Entergy' Clean Water Act "National Pollutant Discharge Elimination System" (NPDES) permit for the Pilgrim Nuclear Power Station in Plymouth, Massachusetts is endorsed by the following

organizations.

Association to Preserve Cape Cod	Jones River Watershed Association
Biofuelwatch	MASSPIRG
Boston Ditch	On Behalf of Planet Earth
Cape Cod Downwinders	Pilgrim Coalition
Cape Cod National Seashore Advisory Commission	Pilgrim Watch
Clean Water Downwinders	POCCACapeCod.org
Concern for Action	Public Laboratory for Open Technology
Conservation Neighbors of Pilgrim	and Science 501(c)3
Daviston Law Foundation	Safe and Green Campaign
Down Cape Museum	Sands of Whitehorse Beach Association
Eel River Downwinders	Three Mile Island Alert
Herring Watershed Association	Toxics Action Center
alliance	

*The report and
back up
documentation
can be found
at:*

www.capecodbaywatch.org/2015-water-pollution-report/

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